

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 916 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

TRIBHOVANBHAI VITHALBHAI TADVI

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner
MR SK PATEL, APP for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/10/1999

ORAL JUDGEMENT

1. Rule. Mr.Patel, learned APP waives service of the rule on behalf of the respondents.
2. Heard the learned counsel for the respondents and perused the papers. The petitioner - convict No.74114 in Central Jail, Vadodara, applied for grant of 30 days parole leave to him on the ground - to construct the

house. This application was came to be rejected by the competent authority, hence, he sent this application through jail to this court.

3. I do not find any illegality much less a perversity in the order of the competent authority. The parole is not right and it cannot be granted where the authority is satisfied that the ground does not exist for grant of it. The ground given by the petitioner in his application cannot be taken to be a sufficient ground for releasing a prisoner on parole leave. It is not the case where it can be said that ground given is an exceptional ground where the parole leave has to be granted. To construct or to get house repaired is hardly an exceptional and important ground where a convict has to be released on parole.

4. Taking into consideration the totality of the facts of this case, I do not find any ground to interfere in the matter. As a result thereof, this Special Criminal Application fails and the same is dismissed. Rule discharged. No order as to costs.

(S.K.Keshote,J.)
(pathan)